

CUSTOMER NUMBER 27792

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Zyskowski Attorney Docket No: MICR0261
Serial No: 10/082,692 Group Art Unit: 2123
Filed: February 22, 2002 Examiner: Sharon, Ayal I.
Confirmation No: 5312
Title: INTEGRATED AIRCRAFT FLIGHT DYNAMICS PREDICTION AND
SIMULATION

DECLARATION

Bellevue, Washington 98004

December 12, 2006

Deleted: November 22, 2006

TO THE DIRECTOR OF THE PATENT AND TRADEMARK OFFICE:

The following declaration of Michael K. Zyskowski, is submitted as part of a response to an Office Action dated September 01, 2006.

1. I, Michael K. Zyskowski, am the inventor of the subject matter described and claimed in the above-identified patent application, U.S. Serial No. 10/082,692, and as such, I am familiar with the subject matter disclosed and claimed therein.

2. Under Item 21 and 27 in the Office Action dated September 01, 2006, the Examiner has raised an issue of public use or on sale activity and anticipation by Enclosure B (entitled Microsoft Flight Simulator 2000 Software Development Kit, Aircraft Container System," now referred to as "FS2000") Enclosure C (entitled "Setting and Changing Aircraft Parameters") and Enclosure D (entitled "Importing Aircraft, Missions, and Scenery for Combat Flight Simulator 2," now referred to as CFS 2) that were submitted in the Office Action response dated June 27, 2006, in connection with the above-identified application. In an effort to further clarify how versions FS2000 and CFS 2 differ from the claimed subject matter, the Table below summarizes additional information to more specifically explain these differences:

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<u>Microsoft Version</u>	<u>Features</u>	<u>Differences Between Version And Recitation of Above-Identified Patent Application.</u>
Microsoft Flight Simulator 2000 (FS2000)	See Enclosure B entitled "Microsoft Flight Simulator 2000 Software Development Kit, Aircraft Container System"	<p>FS2000 included the FSEDIT application (FDE), but the FDE included only one section that allowed certain scalars to be changed by a user positioning a slider. However, FS2000 lacked the ability to create a plurality of flight model data files that are based upon parameters input by a user to create a custom design or modify an existing design of an aircraft. FSE in FS2000 produced only a single configuration file. A user was unable to evaluate a custom design in real-time simulated flight within FS2000, based on a point of view of a pilot flying the aircraft.</p> <p>FS2000 lacked an aerodynamic coefficients generator (i.e., any equivalent of aerodynamic coefficients generator module 26 of FIGURE 2 in the present application) and could not produce a plurality of flight model data files, including the configuration file (e.g., AIRCRAFT.CFG file), and a binary file (AIRCRAFT.AIR file) from scratch. The scalars that could be changed by a user positioning a slider in FDE were used only in the AIRCRAFT.CFG file, which was a text file. However, in FS2000, it was not possible to generate, produce or modify the binary AIRCRAFT.AIR file and thus, a user could only access an existing binary file that remained unchanged. In other words, the AIRCRAFT.AIR file could not be edited in FS2000. Only the original AIRCRAFT.AIR file included with the software product was usable. Thus, an accurate representation of a custom design for an aircraft could not be achieved in FS2000, and any modifications of this custom design could never be evaluated by "flying" a custom design in with flight</p>

		simulator program, because an aerodynamic coefficients generator was not included in FS2000 that could produce both of the required flight model data files, such as the AIRCRAFT.AIR file, and AIRCRAFT.CFG file, that would include the user's input of a plurality of parameters to define the custom aircraft design.
Microsoft Combat Flight Simulator 2.0 (CFS 2)	See Enclosure C entitled "Setting and Changing Aircraft Parameters" and Enclosure D entitled "Importing Aircraft, Missions, and Scenery for Combat Flight Simulator 2"	As in FS98 and FS2000, Enclosure C explains how a user can import a new aircraft and add or change values in the aircraft.cfg file (first paragraph page 1) and indicates that several aircraft parameters have been added since FS2000 (third paragraph, page 1). Enclosure D explains how this version supports options, details and performance levels that were not possible in the first version (second paragraph, page 1). Some adjustable combat parameters were added to the AIRCRAFT.CFG file in CFS 2, so that a user could manually edit these parameters. However, just as in FS2000, CFS 2 also lacks an aerodynamic coefficients generator (i.e., any equivalent of an aerodynamic coefficients generator module 26 of FIGURE 2) that could produce a plurality of flight model data files, such as the configuration file (AIRCRAFT.CFG file), and a binary file (AIRCRAFT.AIR) file from scratch.

3. I hereby further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Date: 12/12/06


Michael K. Zykowski

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